

# SENATE BILL 368

R2

0lr2337

---

By: **Senator Della**

Introduced and read first time: January 28, 2010

Assigned to: Finance

---

Committee Report: Favorable

Senate action: Adopted

Read second time: March 9, 2010

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Transportation – Repeal of Secretary’s Authority to Abolish**  
3 **Employee Positions**

4 FOR the purpose of repealing the authority of the Secretary of Transportation to  
5 abolish certain employee positions; and generally relating to the authority of the  
6 Secretary of Transportation to abolish employee positions.

7 BY repealing and reenacting, without amendments,  
8 Article – Transportation  
9 Section 2–103.4(a)  
10 Annotated Code of Maryland  
11 (2008 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Transportation  
14 Section 2–103.4(b)  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2009 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Transportation**

20 2–103.4.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) Without regard to the laws of this State relating to other State  
2 employees, the Secretary of Transportation may establish a human resources  
3 management system for employees of the Department and its units. Any human  
4 resources management system that the Secretary establishes under this section shall:

5 (1) Be based on merit;

6 (2) Include fair and equitable procedures for appointment, hiring,  
7 promotion, layoff, removal, termination, redress of grievances, and reinstatement of  
8 employees; and

9 (3) Permit employees to participate in the pension and retirement  
10 systems for employees of the State of Maryland authorized under Division II of the  
11 State Personnel and Pensions Article or any other pension and retirement systems  
12 authorized by law.

13 (b) (1) In the exercise of the Secretary's powers under this section, the  
14 Secretary may:

15 (i) Create [and abolish any position other than positions  
16 specifically provided for in this article] **ANY POSITION IN ACCORDANCE WITH**  
17 **STATE LAW**; and

18 (ii) Subject to subsection (b-1) of this section, determine the  
19 qualifications, appointment, removal, tenure, terms of employment, and compensation  
20 of employees unless otherwise prohibited by law.

21 (2) The Secretary shall designate executive service employee and  
22 commission plan employee positions in the Human Resources Management System  
23 that:

24 (i) Must be filled without regard to political affiliation, belief, or  
25 opinion; or

26 (ii) In accordance with the criteria established under § 6-405(b)  
27 of the State Personnel and Pensions Article, may be filled with regard to political  
28 affiliation, belief, or opinion.

29 (3) On an annual basis, the Secretary shall report on the total number  
30 of positions designated under paragraph (2) of this subsection to the Governor and, in  
31 accordance with § 2-1246 of the State Government Article, to the General Assembly.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2010.